



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

JAMES M. SMITH
DIRECT (202) 973-4288
jamesmsmith@dwt.com

SUITE 200
1919 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006-3402
TEL (202) 973-4200
FAX (202) 973-4499
www.dwt.com

March 2, 2009

BY ELECTRONIC FILING

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Suite TW-A325
Washington, DC 20554

Re: EB Docket No. 06-36

Dear Ms. Dortch:

On behalf of Charter Communications, Inc., we are submitting herewith its **Annual 47 C.F.R. § 64.2009(e) CPNI Certification for Calendar Year 2008** in the above-referenced proceeding.

Kindly address any questions concerning this submittal to the undersigned counsel.

Sincerely,

DAVIS WRIGHT TREMAINE LLP

James M. Smith
Counsel for Charter Communications, Inc.

cc: Telecommunications Consumers Division, Enforcement Bureau (2 copies, by U.S. mail)
Best Copy and Printing, Inc. (via e-mail)

ANNUAL 47 C.F.R. § 64.2009(e) CPNI CERTIFICATION

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2008

Date filed: March 2, 2009

Name of company covered by this certification: Charter Communications, Inc.

Form 499 Filer IDs: 821400, 821426, 822294, 822740, 823418, 823420, 823422, 823742, 823746, 823748, 823750, 823754, 823756, 823760, 823762, 823764, 823770, 823774, 823776, 823806, 823854, 823856, 823858, 823860, 823862, 823864, 823998, 824000, 824006, 824010, 824012, 824014, 824016, 824018, 824020, 824026, 824028, 824276, 824704, FRN 0018372888 (499 Filer ID pending), FRN 0018372870 (499 Filer ID pending).

Name of signatory: Joseph R. Stackhouse

Title of signatory: Senior Vice President

I, Joseph R. Stackhouse, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the Charter Carrier Entities¹ have established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken any actions against data brokers in the past year, and has no information to report with respect to the processes pretexters are using to attempt to access CPNI or what steps other companies are taking to protect CPNI.

For the time period beginning January 1, 2008 and continuing through and including December 31, 2008, the company received 195 customer complaints concerning the unauthorized release of CPNI. *See* attached accompanying statement.

Signed 

¹ As used in this Certification, the term "Charter Carrier Entities" shall mean any of Charter Communications, Inc.'s wholly-owned direct or indirect domestic subsidiaries that are subject to the requirements of the FCC's CPNI rules. *See* 47 C.F.R. §§ 9.3, 64.2003(o). The Form 499 Filer IDs of these entities are listed above.

**STATEMENT CONCERNING PROCEDURES
ENSURING COMPLIANCE WITH CPNI REGULATIONS
AND REPORT ON UNAUTHORIZED DISCLOSURE OF CPNI/PRETEXTING**

The Charter Carrier Entities, as defined above, have implemented internal operating procedures and practices designed to ensure that the Charter Carrier Entities comply with the FCC's rules at 47 C.F.R. § 64.2001, *et seq.*, governing the use and disclosure of CPNI. Following is a brief explanation of the procedures the Charter Carrier Entities employ, the actions taken against pretexters during the previous year and a summary of customer complaints:

1. As to the use of CPNI for marketing purposes, Charter Carrier Entities do not use CPNI for the purpose of marketing service offerings among the different categories of service that the Charter Carrier Entities provide to subscribers. The Charter Carrier Entities do, however, use CPNI to market service offerings within the same category of service to which the customer already subscribes. The Charter Carrier Entities do not disclose CPNI to any joint venture partners or independent contractors for marketing purposes.

2. Except as described in paragraph (3) below, the Charter Carrier Entities will only release or disclose CPNI to a third party with the customer's written and notarized consent or pursuant to a valid request from law enforcement, the federal judiciary or other appropriate authority. For example, without the customer's written and notarized consent, customer information will only be disclosed after the requesting party demonstrates that the request is made pursuant to a valid subpoena, court order, search warrant or other legally authorized request.

3. The Charter Carrier Entities will only release CPNI to third party vendors pursuant to a written agreement containing the appropriate restrictions regarding the confidentiality and safeguarding of customer information, and then only for the limited purpose of initiating, rendering, billing and/or collecting for services rendered to the subscribers of Charter Carrier

Entities.

4. The customer service representatives (CSRs) of the Charter Carrier Entities do not discuss call detail information over the phone unless (1) the customer is able to provide the relevant call detail information to the CSR without the CSR's assistance; (2) the customer provides a customer-initiated password that was established without using account information or readily available biographical information; or (3) the CSR calls the customer at the telephone number of record.

5. Charter Carrier Entities do not provide online access to any CPNI until the customer requesting such access provides a password that has been established by the customer without the use of readily available biographical information or account information.

6. Charter Carrier Entities do not disclose CPNI to a customer at a retail location until the customer presents a valid photo ID matching the relevant information within the customer's account records.

7. Charter Carrier Entities employ a variety of internal and external operating procedures to ensure compliance with CPNI regulations. Such procedures include:

A) The publication of a telephone privacy policy and CPNI-specific privacy policy on the Charter Communications website and circulation of that policy within the Charter Carrier Entities.

B) Regular recurring training programs for employees, agents and contractors concerning federal, state and local legal requirements governing the use and disclosure of personally identifiable information, including CPNI.

C) The administration of an employee disciplinary program used to ensure compliance with internal procedures. Such program includes a variety of different penalties for the violation of internal privacy procedures, including the termination of employment where

appropriate.

D) The use of a system that establishes each subscriber's individual privacy preferences at the initiation of service and allows for changes to those preferences as validly requested by the subscriber. This system enables Charter Carrier Entities to determine the status of a customer's CPNI approval prior to the use of CPNI.

E) Physical and software based security systems limiting employee access to subscriber information in paper or electronic form, including CPNI.

F) The maintenance of records of those occasions when CPNI is released to third parties (such release occurring only as described in paragraphs (2) and (3) above) and the maintenance of records of sales and marketing campaigns that use Charter Carrier Entities' subscriber CPNI. Such records are retained for at least one year.

G) Written notice to the FCC within five business days of those instances where opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

8. Charter Carrier Entities did not take any action against data brokers in 2008. Moreover, Charter Carrier Entities have no information to report with respect to the processes pretexters are using to attempt to access CPNI, and what steps other carriers are taking to protect CPNI.

9. For the period beginning January 1, 2008 and continuing through and including December 31, 2008, Charter received 195 complaints from customers concerning the unauthorized release of CPNI, as summarized below:

CPNI COMPLAINTS	2008
Unauthorized Access by Employees	
• Total Complaints Received	0
• Valid Complaints	0
Improper Disclosure to Unauthorized Parties	
• Total Complaints Received	0
• Valid Complaints	0
Improper Access to On-Line Information by Unauthorized Parties	
• Total Complaints Received	195
• Valid Complaints	195
Actions Taken Against Pretexters	
• Court Actions	0
• State Commission Actions	0
• FCC Actions	0